

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1030 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and  
MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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SHAILY ENGG. PLASTIC LTD.

Versus

UNION OF INDIA

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Appearance:

MR MIHIR H JOSHI for Petitioner  
MR PB MAJMUDAR for Respondent No. 1  
Mr M R Shah for respondents No.2 to 4

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CORAM : MR.JUSTICE B.C.PATEL and  
MR.JUSTICE A.L.DAVE

Date of decision: 12/03/99

ORAL JUDGMENT (per. Patel, J.)

RULE. Mr P B Majmudar, learned Advocate waives service of Rule on behalf of the respondents.

2. Heard the learned Advocates appearing for the

parties. We do not propose to give reasons at the request of the learned Advocates, as the matter is pending before the Collector (Appeals) and the decision may affect them one way or the other.

3. Similar orders are passed in Messrs Ratan Enterprises v. Union of India being Special Civil Application No.6029 of 1997 on 15.10.1997 by this Court (Coram: R A Mehta, Actg.CJ & S D Pandit, J.) and similar orders are passed in several other matters as well. In view of the fact that orders passed are not speaking orders, rule was made absolute in those matters.

4. On the facts and in the circumstances of the case, the Appellate Authority is directed to decide afresh the applications for stay moved by the petitioners and pass appropriate speaking orders therein within the period of four weeks from the date of receipt of writ of this order. Recovery of pre-deposit shall not be made till the stay applications are decided. It is required to be noted that the department has passed order of attachment vide Annexure 'C'. Value of the goods attached comes to Rs.14,11,000/-. That order shall also stand set aside.

Rule is made absolute to the aforesaid extent with no order as to costs.

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